

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS

Alison Mofat,

Complainant,

vs.

Hennepin County,

Respondent.

PROTECTIVE ORDER

The documents and other information supplied to the Complainant by the Respondent in response to Interrogatory 9 of the Complainant's First Set of Interrogatories and Document Requests D and OO of the Complainant's First Request for the Production of Documents, the testing booklets and notes supplied to the Respondent by the Complainant or Nira Scherz-Busch in connection with the Respondent's request for raw test protocols, and the information supplied to the Complainant by Personnel Decisions, Inc. ("PDI"), in response to subpoena shall be disclosed subject to the following Protective Order:

1. Individuals considered for participation in the 640 Hour Program other than the Complainant shall not be identified by name but shall be assigned a letter or number,

2. Testing documents (including test copies, answer sheets, scoring keys, summaries, notes, or similar documents) provided to the Complainant by the Respondent or PDI shall not be disclosed to any person other than the attorneys representing the parties in this matter, their legal assistants, and expert witnesses.

A. Prior to making these documents available or disclosing any protected data to legal assistants or expert witnesses, counsel shall first give a copy of this Order to such persons and obtain their written acknowledgement that they have read this Order and are fully familiar with its provisions and their written agreement to abide by and be bound by this Protective Order.

B. Neither the Complainant herself nor any other person shall review the testing documents supplied by the

Respondent or PDI unless permitted to do so after a formal motion is made to the Administrative Law Judge and the Respondent is afforded an opportunity to respond.

C. If it becomes necessary to discuss actual test questions or answers during the hearing, the Complainant and other appropriate persons shall be excused from that portion of the hearing in order to avoid compromising the Respondent's test battery.

3. Testing booklets and notes affixed thereto that are provided to the Respondent by the Complainant or Ms. Scherz-Busch shall not be disclosed to any person other than the attorneys representing the parties in this matter, their legal assistants, and expert witnesses.

A. Prior to making these documents available or disclosing any protected data to legal assistants or expert witnesses, counsel shall first give a copy of this Order to such persons and obtain their written acknowledgement that they have read this Order and are fully familiar with its provisions and their written agreement to abide by and be bound by this Protective Order.

B. No other person shall review the testing booklets and notes unless permitted to do so after a formal motion is made to the Administrative Law Judge and the Respondent is afforded an opportunity to respond.

4. All documents pertaining to individuals considered for participation in the 640 Hour Program, all testing documents produced by the Respondent and PDI, and all testing booklets and notes produced by the Complainant or Ms. Scherz-Busch shall be stamped "CONFIDENTIAL." Such information may only be used in conjunction with this contested case hearing and any related appeals, and may not be used for any other purpose. Pleadings, exhibits and deposition transcripts that refer to testing documents shall be marked "CONFIDENTIAL" at the top of the initial page and shall be filed in a sealed envelope bearing the following notation: "This envelope, filed in this case by [name of party], contains confidential information and is not to be opened or the contents thereof reviewed except by the Administrative Law Judge."

5. Each attorney bears full responsibility for compliance with this Order by persons to whom he or she has disclosed confidential information.

6. The Complainant and the Respondent must return all copies of confidential information released pursuant to this Protective Order at the close of the contested case hearing or, if an appeal is filed, at the end of the appeal litigation.

7. The hearing in this matter will be closed and the hearing record will be sealed to the extent necessary to permit free discussion of confidential data.

8. The transcript of this proceeding is also subject to the terms of this Order.

Dated this \_\_\_\_\_ day of December, 1995.

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BARBARA L. NEILSON  
Administrative Law Judge